

**REMARKS/ARGUMENTS**

Reconsideration and allowance of the subject application are respectfully requested.

The Examiner makes a new grounds of rejection based on newly-cited prior art. Claims 1 and 6-7 stand rejected under 35 U.S.C. §102(e) as being anticipated by Terrasson (Patent No. 6,061,576). This rejection is respectively traversed.

In order for Terrasson to anticipate claim 1, Terrasson must disclose each and every feature recited therein. Terrasson does not.

Terrasson discloses a portable phone with a tree menu which uses a data processor to model a user's behavior when going through and making selections from the tree menu. Based on that model, the processor adapts the menu to better accommodate the user's behavior. The modeling is determined using fuzzy logic and uses weights when considering the frequency that the user selected particular menu items.

In contrast to Terrasson's automated fuzzy logic approached to modifying a menu, claim 1 (and corresponding method claim 9), recites that the contents of the dynamic menu are modified in response to manual inputs of the user rather than in response to the inputs generated by a data processor under the control of a "fuzzy logic" computer algorithm. This allows the user--rather than a machine--to customize the dynamic display according to the user's preferences, which may or may not be identical to the user's behavior. For example, the user may wish to arrange the dynamic menu, not according to the frequency with which the user selects a particular menu option, but rather in some other fashion. And because the apparatus Terrasson already adapts to the behavior of the user to modify the dynamic menu, there would have been no reason to modify Terrasson to allow the user to modify the dynamic menu as recited in claims 1 and 9. Thus, the anticipation rejection should be withdrawn.

Claims 3-5 have been rejected under 35 U.S.C. §103 as being unpatentable over Terrasson in view of Isomursu (U.S. Patent NO. 6, 400,958). This rejection is respectfully traversed.

Isomursu discloses creating menus where a protocol defines a number of predetermined commands according to which creation and change of menus and menu structures are controlled. Although there is some disclosure in column 12 of adding certain menu items, Isomursu makes plain that it is **not** the user which performs those updates but rather a server remote from the mobile terminal. Isomursu explains in column 10 that:

the terminal includes an application which is capable of creating menus in the terminal according to a **received** user message...The user message contains information according to which the menu application creates or updates menus in the terminal...which the operator can update in the user's terminal over the air, i.e. without the need for the user to take the terminal to a service place.

Column 10, lines 6-38. The "user message" is not created by the user but rather by a telephone operator. Even combined with Terrssson's fuzzy logic program, the combination of Terrasson and Isomursu fails to disclose the user as the entity that provides commands and information to modify the dynamic menu. Neither reference permits the user to directly modify a dynamic menu to accommodate the user's personal preferences.

Nor is there any proper motivation to combine Isomursu with Terrasson. Most telling is Isomursu's statement at column 10, lines 40-44: "the menu structure can be dynamically updated over the air ***without any user assistance***" (emphasis added). Isomursu thus ***teaches away*** from the claimed invention.

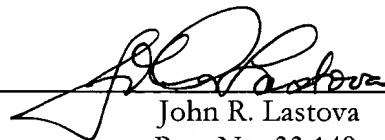
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The application is in condition for allowance. An early notice to that effect is respectfully solicited.

Respectfully submitted,

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By:

A handwritten signature in black ink, appearing to read "John R. Lastova", is written over a horizontal line.

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